

E-FILED on 11/13/06

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

YOLANDA SOLLOWAY,

Plaintiff,

v.

ALLIED INTERSTATE, INC.,

Defendant.

No. C-06-04814 RMW

ORDER AWARDING FEES UNDER  
28 U.S.C. § 1447(c)**[Re Docket Nos. 19-22]**

Plaintiff Yolanda Solloway filed a putative class action against Allied Interstate, Inc. in the California Superior Court. Allied removed the action to this court. In a brief October 25, 2006 order, this court remanded the action because it was clear the amount in controversy did not meet the minimum required by 28 U.S.C. § 1332(d)(2).

In that order, the court also found that plaintiff was entitled to fees and costs under 28 U.S.C. § 1447(c) and stated that plaintiff could submit a declaration regarding fees and costs by October 27, 2006, with any response by Allied due November 3, 2006. On October 27, 2006, Solloway filed a request for \$3,500. Wilcox Decl. (docket no. 20) ¶ 44. At 5:22 p.m. on November 2, 2006, Allied sent an e-mail to Solloway's attorney, offering \$3,000 in an attempt to not further burden this court with the fee dispute. Notice (docket no. 22). Receiving no response,


1 Allied filed an opposition to Solloway's request and argued that \$1,500 would be a reasonable fee  
2 award. Opp'n (docket no. 21). On November 7, 2006, Solloway's attorney filed a purported  
3 acceptance of Allied's offer of \$3,000 and stated that he had been traveling and unable to respond  
4 earlier. Notice (docket no. 22).

5 Although the offer appears to have expired because it was not accepted before Allied's  
6 response to plaintiff's fee request was due, the court finds \$3,000 is a reasonable fee for plaintiff's  
7 work on the motion to remand. The court finds ten hours of time at \$300 per hour consistent with  
8 the reasonable time incurred in connection with the matter and \$300 per hour consistent with that  
9 charged in the community for similar service.

10 **ORDER**

11 For the foregoing reasons, the court awards Solloway \$3,000 under 28 U.S.C. § 1447(c).

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14 DATED: 11/13/06

  
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RONALD M. WHYTE  
United States District Judge

/s/ JH  
**Chambers of Judge Whyte**